



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITION

Mail Room for IFW

#13

In re application of:

)

Applicant: Ernesto MARELLI

)

Ser. No.: 09/709,581

) Group Art Unit: 1714

Filed: November 13, 2000

) Examiner: TOOMER, CEPHIA D

Assistant Commissioner for Patents

PETITION - Mail Room for IFW

Washington D.C. 20231 USA

REQUEST FOR RECONSIDERATION OF HOLDING OF
ABANDONMENT (MPEP 711.03)

Sir,

Receipt is hereby acknowledged of the Notice of Abandonment dated April 5, 2004 which purports that the application has been abandoned owing to applicant's failure to timely file a proper response to the Office letter mailed on July 29, 2003.

Applicant respectfully requests reconsideration of the holding of abandonment in view of the fact **that there is no abandonment in fact.**

Attention of the Examiner is drawn to the following facts:

• Applicant's proper reply together with a proper request for one month extension of time, (hereinafter referred to as "AMENDMENT + PETITION") to the Office letter mailed on July 29, 2003, duly executed by one of the Agents of record, was timely sent via telefax on

06/05/2004 09:53:01
09/05/2004 09:53:01
01:00:00 DA

November 27, 2003 to the United States Patent and Trademark Office. Attached hereto as **EXHIBIT A** is a photocopy of the original **AMENDMENT + PETITION** executed by one of the agent of applicant, and sent via telefax on November 27, 2003 to the Office, and **including a photocopy of the original "TRANSMISSION RESULT REPORT"** for such original **AMENDMENT + PETITION** indicating the date ("27NOV.") and time (17:30 hours local Milan time) of facsimile transmission, the telephone number transmitted to ("ADDRESS" – USPTO), the duration of transmission ("TIME" – 1'00") the number of pages sent ("PAGE" - 4), and the result ("RESULT" - OK) of the transmission. The original **AMENDMENT + PETITION** was found by the undersigned agent, immediately after the undersigned agent became aware of the Notice of Abandonment dated April 5, 2004, in the agent's docket for the present patent application, with the original **TRANSMISSION RESULT REPORT** stapled thereto. It is a normal procedure in the undersigned agent's firm that persons sending facsimiles attach the **TRANSMISSION RESULT REPORT** printed by the facsimile machine to each corresponding letter sent by the facsimile machine. Attached hereto as **EXHIBIT B** is a declaration made by the clerk who sent the facsimile to the Office of the original **AMENDMENT + PETITION**, attesting to the timely transmission of such **AMENDMENT + PETITION**.

Based upon the above information, upon the **CERTIFICATE OF TRANSMISSION** duly signed by one of the Agents of record of the original **AMENDMENT**, and based upon the information of the **TRANSMISSION RESULT REPORT** of the original **AMENDMENT**, and further based upon the **DECLARATION** made by the clerk who sent the facsimile to the USPTO, **the undersigned agent herewith attests that the original AMENDMENT+ PETITION was timely filed in the Office on November 27, 2003.**

In view of the foregoing, it is believed that this request for reconsideration of holding of abandonment is justified and should be accepted by the USPTO.

It is respectfully requested that the attached **AMENDMENT + PETITION** is entered and considered by the Examiner.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Guido MODIANO', written over a horizontal line.

Guido MODIANO (Reg. No. 19,928)
Agent for the Applicant

Date: April 27, 2004
Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02)8590-7777

Encl.: EXHIBITS A, and B.

EXHIBIT A

USSN. 09/709,581
A.U.: 1714
Examiner: TOOMER, CEPHIA D
November 27, 2003

I hereby certify that this correspondence (Total Pages: 4) is being facsimile transmitted to the Patent and Trademark Office (Fax No. 001-703-872-9310) on the date shown below.

OFFICIAL

Milan, November 27, 2003

Albert JOSIF (Reg. No. 22,917)

Agent's Docket N. 33885-ASI-rf

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#14 D

In re application of:

Applicant: MARELLI Ernesto

Ser. No.: 09/709,581

Filed: November 13, 2000

For: DIESEL ENGINE FUEL IN ...

Group A.U.: 1714

Examiner: TOOMER, CEPHIA D

Assistant Commissioner for Patents

Mail Stop Fee Amendment

Washington D.C. 20231 U.S.A.

Sirs:

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136

The applicant herewith petitions the Commissioner of Patents and Trademarks to extend the time for response to the Office action dated July 29, 2003 for one month from October 29, 2003 to November 29, 2003. Please charge the **deposit account number 13-3860** of applicant's agent of record, in the amount of **US\$ 55,00 (fee code 2251)** to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

AMENDMENT

This is in response to the final Office Action dated July 29, 2003.

Please amend the above-identified application as follows:

08/05/2004 YMDDET 00000001 133860 09709581
Saf: Ref: 00000001 DAH: 133860 09709581
01 FC: 2251 55.00 DA

In the Claims

Please cancel claim 2 and amend claims 3 and 6 as shown in the following claim listing:

D¹ 1. (Previously presented) A fuel in microemulsion form, comprising a liquid fuel, an emulsifier and an emulsive agent, said emulsive agent having an HLB value higher than 9, wherein the liquid fuel comprises a bio-vegetable fluid selected from the group consisting of biodiesel and methyl esters of rapeseed oil and of sunflower oil, wherein said emulsive agent is C₁₂ - C₁₃ alcohol ethoxylate.

2. (Cancelled)

3. (Currently amended) 3. The fuel according to claim 1 ~~or 2~~, wherein said emulsifier is sorbitan monooleate.

4. (Cancelled)

5. (Cancelled)

6. (Currently amended) The fuel according to claim ~~4~~, 1, wherein said C₁₂-C₁₃ alcohol is ethoxylated on the average with 8 moles of ethylene oxide.

7. (Cancelled)

8. (Original) 8. The fuel according to claim 1, further comprising products based on polyisobutenyl succinic anhydride.

9. (Original) The fuel according to claim 1, further comprising biocide products.

10. (Original) 10. The fuel according to claim 1, comprising in parts per volume, for 1000 parts of liquid fuel, 13 to 17 parts of emulsifier, 5 to 20 parts of emulsive agent, and 100 to 145 parts of water.

D1

11. (Previously presented) A method for preparing a fuel in microemulsion form, comprising mixing a liquid fuel, an emulsifier and an emulsive agent, said emulsive agent having an HLB value of more than 9, in a system provided with multiple reverse-flow coaxial turbines.

12. (Previously presented) A fuel in microemulsion form, obtained by mixing of a liquid fuel, an emulsifier and an emulsive agent, said emulsive agent having an HLB value of more than 9, wherein the liquid fuel comprises a bio-vegetable fluid selected from the group consisting of biodiesel and methyl esters of rapeseed oil and of sunflower oil, wherein said emulsive agent is C₁₂ – C₁₃ alcohol ethoxylate, in a system provided with multiple reverse-flow coaxial turbines.

13. (Previously presented) The fuel according to claim 1, which does not dissociate in its components even when subjected to centrifugation up to values of more than 35,000 m/s².

Remarks

The Examiner's comments and objections have been carefully considered by the Applicant.

It is noted that claims 1, 3 and 8-13 are allowed.

Moreover, it is noted that claim 2 is rejected because there is no antecedent support in claim 1 for the fuel being diesel fuel. Claim 2 is cancelled and claim 3 is accordingly amended to depend only on claim 1.

Furthermore, it is noted that claim 6 is rejected because it is dependent on cancelled claim 4. Claim 6 is amended to depend on claim 1 in which the contents of original claim 4 to which original claim 6 refers was previously included.

All the amendments are made without prejudice. The Applicant does not intend to abandon any subject matter present in the application as filed.

It will be noted that a sincere effort has been made to positively respond to all of the points raised by the Examiner.

The Applicant respectfully requests that all the objections be withdrawn and that the application proceed to grant.

Respectfully submitted,


Albert JOSIF (Reg. No. 22,917)

Agent for the applicant

Date: November 27, 2003

Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02)85.90.77.77
Telefax: (from USA) (011)(39)(02)863-860

* * * TRANSMISSION RESULT REPORT (IMMEDIATE TX) (27. NOV. 2003 17:31) * * *

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DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERSONAL NAME	FILE
27. NOV.	17:30		USPTO	G3ES	1'00"	P. 4 OK		3134

: BATCH
M : MEMORY TX
S : STANDARD
!\$: REMOTE TRANSFER
+ : ROUTING

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL
B : FAX ON DEMAND

\$: TRANSFER
@ : FORWARDING
F : FINE
* : PC

P : POLLING
E : ECM
> : REDUCTION
% : PC DIRECT

#15

DECLARATION

I the undersigned Rosita Fenino, residing in Caronno Pertusella, Via Roma 320, Italy, herewith declare that:

I am 36 years old and have a high school degree from the Istituto Professionale per il Commercio Bertarelli, my focus having been the English and German languages.

I am an employee of Modiano (a patent agent firm) since 1987, and am among other tasks assigned to the sending of telefaxes to various addressees outside Italy, in the area of patents.

When I send a facsimile transmission, I check the transmission report for the transmission issued by the facsimile machine and confirm that the transmission has been properly executed. Upon confirmation that the transmission was successful, I staple the transmission report to the original paper transmitted.

I have been shown an original AMENDMENT in connection with the US Patent Application Ser. No. 09/886,117 in the name of Gianni Franco ALESSIO, including the TRANSMISSION RESULT REPORT therefore and stapled thereto.

I accordingly attest that I successfully transmitted the original AMENDMENT + PETITION to the United States Patent and Trademark Office on October 31, 2003.

I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Milan, April 27, 2004

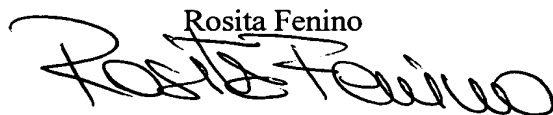
Rosita Fenino


EXHIBIT B